

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NATHAN DICKEY,

Plaintiff,

v.

CV No. 20-656 JB/CG

CURRY COUNTY
ADULT DETENTION CENTER,

Defendant.

ORDER GRANTING IN FORMA PAUPERIS RELIEF

THIS MATTER is before the Court on Plaintiff Nathan Dickey's *Motion to Proceed In Forma Pauperis* (the "Motion"), (Doc. 4). Plaintiff's financial information reflects he is unable to prepay the \$400 filing fee for his prisoner civil rights complaint. The Court will therefore grant the Motion, which reduces the fee to \$350.00, and allow Plaintiff to pay in installments. See 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint . . ." *Id.*

Plaintiff receives an average of \$233.67 per month, and that figure greatly exceeds his average monthly balance. (Doc. 4 at 3-15). The Court will assess an initial payment of \$46.73 (which is 20% of the average deposits, \$233.67) pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The Court will generally not review the merits of Plaintiff's civil rights complaint unless the initial partial payment is paid or

excused. If Plaintiff fails to timely make the initial partial payment, his complaint will be dismissed without further notice.

IT IS THEREFORE ORDERED that Plaintiff's *Motion for Leave to Proceed In Forma Pauperis*, (Doc. 4), is **GRANTED**;

IT IS FURTHER ORDERED that, by **September 27, 2020**, Plaintiff shall send to the Clerk an initial partial payment of **\$46.73**;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE